

REMARKS

Favorable reconsideration, reexamination, and allowance of the present patent application are respectfully requested in view of the foregoing amendments and the following remarks. The foregoing amendments are supported at least in the original claims and specification, and on page 13, line 25 through page 14, line 11. No new matter is added.

Entry of the foregoing amendment is respectfully requested. The amendment clearly places the claims in condition for allowance. The issues regarding these amendments and the allowability of claims 32-34, the limitations thereof are now incorporated into the rejected claims, were considered during the interviews held on September 27 and October 4, 2006. Therefore, no new issues need to be considered. The new claims 35-39 are very similar to the method of claim 12, which has been examined, but merely is dependent on other similar "isolated strain" claims. Therefore, no new issues need to be considered and entry of this amendment and allowance of all the pending claims is respectfully requested.

Objection to the Claims

At page 3 of the Office Action, Claim 17 was objected to because it allegedly contains a typographical error. Applicant respectfully requests reconsideration of this objection.

Claim 17 has been amended to correct the typographical error.

For at least the foregoing reasons, Applicant respectfully submits that Claim 17 is not objectionable, and therefore respectfully requests withdrawal of the objection thereto.

Rejection under 35 U.S.C. § 112, first paragraph

In the Office Action, beginning at page 3, Claims 1-2, 5, 7-10, 12-13, 16-17, 20-21, and 26-34 were rejected under 35 U.S.C. § 112, first paragraph, as reciting subject

matters that allegedly fail to comply with the written description and enablement requirements. Applicant respectfully requests reconsideration of this rejection.

As was discussed in the Telephonic Interviews of September 27 and October 4, 2006, it was unclear that claims 32-34 should be included in this rejection. As explained in the Interview Summary of October 4, 2006, the Examiner consulted with his Supervisor on this issue, and agreed that the patentability of claims 32-34 would be reconsidered in light of the arguments presented by the Applicant's representative during said interview.

The basis for the rejection appears to be that the specification fails to adequately describe and enable the genus of methods for enhancing the activities of the variously claimed enzymes. While Applicants do not necessarily agree with this basis, in the interest of advancing prosecution, any of the claims which recite that an enzymatic activity is enhanced as compared to a wild-type strain, have been amended to recite the methods by which such enhancement may occur in the form of a Markush group. Such language specifies the particular methods by which enzymatic activity or activities can be enhanced to the exclusion of any other methods. Each of these recited methods is well-known to the skilled art worker, and have been repeatedly described in standard texts, and are routinely and successfully practiced by those of skill in the art.

As the Examiner indicated that the rejections of claims 32-34 under 35 U.S.C. § 112, 1st paragraph were likely to be withdrawn, and the subject matter thereof has now been incorporated into any claim reciting an enhanced enzymatic activity, all of the claims are now in condition for allowance.

For at least the foregoing reasons, Applicant respectfully submits that Claims 1-2, 5, 7-10, 12-13, 16-17, 20-21, and 26-34 fully comply with 35 U.S.C. § 112, first paragraph, and therefore respectfully requests withdrawal of the rejection thereof under 35 U.S.C. § 112.


Conclusion

For at least the foregoing reasons, Applicant respectfully submits that the present patent application is in condition for allowance. An early indication of the allowability of the present patent application is therefore respectfully solicited.

If Examiner Steadman believes that a telephone conference with the undersigned would expedite passage of the present patent application to issue, he is invited to call on the number below.

It is not believed that extensions of time are required, beyond those that may otherwise be provided for in accompanying documents. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and the Commissioner is hereby authorized to charge fees necessitated by this paper, and to credit all refunds and overpayments, to our Deposit Account 50-2821.

Respectfully submitted,

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